

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KIM S. SMITH,

Plaintiff,

V.

DEBORAH HARDWICK

GROSSMAN, R.N., B.S.N., J.D.,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CIVIL ACTION NO. 3:07-cv-248-WHA

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Order of this Court, a meeting was held in person between counsel for the parties on September 24, 2007, and submit the following Report of that meeting for the Court's consideration:

1. The meeting was attended by:
 - a. Jackson B. Harrison for the Plaintiff; and
 - b. George L. Beck, Jr. for the Defendant.
2. Discovery Plan. The parties jointly propose the following discovery plan:
 - a. Discovery will be needed on the following subjects: all matters raised in the Complaint, and any Answer and Counterclaim;
 - b. All discovery commenced in time to be completed by May 30, 2008;
 - c. Maximum of 25 interrogatories by each party to any other party. Responses due 30 days after service;
 - d. Maximum of 25 requests for production by each party to any other party. Responses due 30 days after service. Responses due 30 days after service;
 - e. Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service;
 - f. Unless otherwise agreed to by the parties, a maximum of eight depositions by Plaintiff and eight depositions by the Defendant;

- g. Each deposition, other than that of the parties, limited to a maximum of one and one-half hours, unless otherwise agreed to by the parties. Parties' and their principals and any expert witness depositions are limited to a maximum of three hours unless otherwise agreed to by the parties;
 - h. Reports from retained experts under Rule 26(a)(2) due:
 - i. from Plaintiff by February 15, 2008; and
 - ii. from Defendant by March 14, 2008; and
 - i. Supplementations under Rule 26(e) within a reasonable time after discovery.
3. Other matters.
- a. The parties do not request a conference with the Court before entry of the Scheduling Order;
 - b. Plaintiff should be allowed until December 14, 2007, to amend the pleadings as allowed by this Court;
 - c. Defendant should be allowed until January 11, 2008, to amend the pleadings and to add parties as allowed by this Court;
 - d. All potentially dispositive motions should be filed by June 30, 2008;
 - e. Settlement cannot be realistically evaluated prior to December 14, 2007;
 - f. The parties request a final pretrial conference in July 2008;
 - g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:
 - i. from Plaintiff: June 13, 2008; and
 - ii. from Defendant: June 30, 2008.
 - h. Parties should have until July 31, 2008, to list objections to witnesses and exhibits under Rule 26(a)(3); and
 - i. The case should be ready for trial by August 2008. The parties expect the case will take approximately two and one-half days.
 - j. Initial disclosure under Rule 26 on lay witnesses and documents shall be made prior to October 31, 2007.

The Report of the Parties' Planning Meeting, together with the proposed scheduling order is hereby adopted and ordered by the Court this the _____ day of _____, 2007.

W. Harold Albritton
Senior United States District Judge

s/ George L. Beck, Jr.
George L. Beck, Jr. (BEC011)
CAPELL & HOWARD, P.C.
Post Office Box 2069
Montgomery, AL 36102-2069
Telephone: (334) 241-8000
Facsimile: (334) 323-8888
glb@chlaw.com

William O. Walton, III
WALTON LAW FIRM, P.C.
2515 East Glenn Avenue, Suite 304
Auburn, AL 36830
Telephone: (334) 321-3000
Facsimile: (334) 321-3007
waltonlaw@waltonlaw.net

Attorneys for Defendant/Counter-Plaintiff

s/ Jackson B. Harrison
Jackson B. Harrison
THE HARRISON FIRM, L.L.C.
8425 Crossland Loop
Montgomery, AL 36117
Telephone: (334) 819-8920
bharrison@alabama-legal.com

Attorney for Plaintiff/Counter-
Defendant